

## **Section 14.32.150 Electric Community Investment Fees**

### **A. Findings: The City Council of Longmont finds:**

1. That the City must expand the system facilities of LPC if it is to accommodate new development without decreasing current standards;
2. That LPC distributes electricity to the customers in its service area by means of an integrated and interdependent system-wide network of electric facilities;
3. That electric community investment fees on new development within the service area will provide capital for the electric utility to meet the demand new development creates for electric facilities;
4. That the imposition of electric community investment fees (CIF) is the preferable method of ensuring new development bears a proportionate share of the cost of capital improvements necessary to accommodate new development within the service area;
5. That each of the types of development described in Section 14.32.150.C and Table One will necessitate use of LPC facilities;
6. That the fees established by Section 14.32.150.C fairly apportion and do not exceed the costs of providing necessary LPC improvements for new development within the service area;
7. That the municipal charter grants the City the power of local self-government and home rule, and it is a reasonable exercise of this power to impose electric community investment fees as a method of ensuring new development bears a proportionate share of the cost of capital improvements necessary to accommodate new development; and
8. That the electric community investment fees are reasonably necessary to protect, enhance, and preserve the public health, safety, and welfare of the citizens of the City, and the customers of LPC's service area.

### **B. Imposition of Electric Community Investment Fees**

1. Every fee payer shall pay an electric community investment fee in the manner and amount set forth in Sections 14.32.150.C and D, except as provided in Section 14.32.150.B.2.
2. The following shall be exempt from payment of the electric community investment fee:
  - a. An alteration or expansion of an existing building or structure that does not require an increase in rate class, voltage, phase, or panel amps;

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- b. Replacement of an existing building or structure with a new building or structure that does not require an increase in rate class, voltage, phase, or panel amps; and
  - c. In the case where an emergency fire pump system is designed to operate only during a fire (or under test), the City will not charge ECIF for the associated panel capacity. All other on-site distribution costs for the service will continue to be charged. If the fire panel is in any way shared with a routine service, the ECIF will be charged.
- 3. Any claim of exception under Section 14.32.150.B.2 must be made no later than the time of application for a city or county building permit.
  - 4. The electric community investment fee is in addition to the fee payer's responsibility to pay any other fee, charge, or tariff in the regulations governing electric service and construction.

### **C. Computation of the Amount of the Electric Community Investment Fees**

- 1. Computation of the amount of the electric community investment fee shall be in accordance with the attached Table One, except as set forth in this section. For large services or campus developments where the single panel or grouping of panels exceeds 4,000 kVA at full load, or when the customer requests a specific capacity reservation in kilowatts, the fee will be based upon the specific requirements for substation and feeder capacity as determined by the LPC Engineering Division. In such event a written agreement between the customer and the City will outline the service conditions and costs.
- 2. The calculation of panel capacity and associated fee from Table One shall be as set forth in this section.
  - a. LPC shall use ampacity rating of the bus bars in the fee payer's main electric panel to determine the panel amperage. Where no main panel exists on the source side of multiple subpanels, LPC shall use the ampacity rating of the service conductors to determine panel amperage. Conductor ampacity ratings shall be determined by Article 310-16 of the NEC, as amended and adopted from time to time. The following exception applies:
    - i. Where service is supplied to multiple residential units at a common site, and where each unit service (including the "house panel") incorporates an individual meter and service panel, the ECIF shall be computed at the appropriate residential rate class based upon the sum of the individual panel ratings.

- b. If a fee payer has a rate class, voltage, phase, or panel amps not specified in Table One, the Director, or designee, shall compute an appropriate fee in accordance with the formula used in establishing the fees in Table One.
  - i. The fee for small, single phase, non-typical services, rated less than 100 amps including power supplies, irrigation timers, etc. shall be a flat fee of \$25.00.
- c. If a fee payer requests an increase in rate class, voltage, phase, or panel amps, the electric community investment fee shall be the difference between the electric community investment fee amount associated with the existing panel and the electric community investment fee for the new panel size. LPC shall not grant a credit or refund for a later request of decrease in rate class, voltage, phase, or panel amps.

#### D. Payment of Fees

1. There is hereby established an electric community investment fees fund. This fund shall be an interest bearing account which clearly identifies the aggregate funds the City collects as electric community investment fees. Any interest income earned on the fees shall be credited to the fund. Funds withdrawn from the electric community investment fees fund shall be used only for the purposes set forth in Section 14.32.150.E.
2. A fee payer for residential or non-residential development within the municipal boundaries must pay the electric community investment fee to the City with the fee payer's building permit.
3. A fee payer for residential or non-residential development outside the municipal boundaries must pay the electric community investment fee to the City with the Payment Request for the project before LPC will issue a work order release for the fee payer's development.

#### E. Use of Funds

1. The City shall use the electric community investment fees fund only for growth related electric utility capital improvement projects, including, but not limited to:
  - a. Electric main feeder system improvements;
  - b. Electric substations;
  - c. Engineering, design, and permitting for electric utility system improvements; and
  - d. Construction of all necessary features of an LPC distribution system.

2. The City shall not use electric community investment fees for periodic or routine maintenance.

F. Refund of Fees Paid

The City shall expend or appropriate each electric community investment fee it collects, with accrued interest, no later than the end of the calendar quarter immediately following nine years from the date of payment or it shall return the fee, with accrued interest, to the fee payer, provided the fee payer submits a written request for a refund to the Director within 180 days of the expiration of the nine-year period.

G. Review

The City Council shall review the amount of the electric community investment fees in section IV, at least every three years.